AUSA [signature]

FILED

JUL 14 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [initials] DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Juan NEGRETE-Lopez, Defendant.	)	Mag. Case No. '08 MJ 8638 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about July 11, 2008, within the Southern District of California, defendant Juan NEGRETE-Lopez, an alien, knowingly and intentionally attempted to enter the United States of America with the purpose, i.e. conscious desire, to enter the United States without the express consent of the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, after having been previously excluded, deported or removed from the United States to Mexico, and not having obtained said express consent to reapply for admission thereto; and committed an overt act, to wit, crossing the border from Mexico into the United States, that was a substantial step towards committing the offense, all in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[signature]
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF JULY 2008.

[signature]
Peter C. Lewis
U.S. MAGISTRATE JUDGE

I, Senior Border Patrol Agent Mikuski declare under penalty of Perjury, the following is true and correct:

PROBABLE CAUSE STATEMENT

The complainant states this complaint is based upon the investigative reports that the Defendant, Juan NEGRETE-Lopez a citizen of Mexico, was found and arrested on July 11, 2008, near Calexico, California.

Border Patrol Agents encountered Juan NEGRETE-Lopez after he had crossed the International Boundary with Mexico into the United States. NEGRETE was arrested for being illegally present in the United States.

An investigation of records through the Bureau of Citizenship and Immigration Services revealed NEGRETE was previously removed from the United States on December 13, 1999. A further records check revealed NEGRETE has an immigration and criminal history. Also revealed was NEGRETE is currently on Supervised Release.

NEGRETE was found in the United States without having sought or received permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security to re-enter the United States after being removed.

Agent E. Villegas witnessed Agent A Trujillo read NEGRETE his rights as per Miranda. NEGRETE admitted he had been previously deported from the United States and knew it was illegal to enter the United States with out being inspected by an immigration official. NEGRETE admitted to making arrangements with a smuggler to illegally enter the United States for a fee.

Executed on July 12, 2008, at 9:00 A.M.

Michael Mikuski
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find Probable Cause to believe that the defendant named in this probable cause statement committed the offense on July 11, 2008 in violation of Title 8, United States Code, 1326

Honorable Cathy A. Bencivengo.
United States Magistrate Judge

7/12/08 @ 9:46 a.m.
Date/Time